

**EXHIBIT 1**

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	SEVENTH JUDICIAL CIRCUIT
COUNTY OF SPARTANBURG	)	
	)	C.A. NO.: 2022-CP-42- _____
Teresa Durham and Glenn Durham,	)	
	)	<b>SUMMONS</b>
Plaintiffs	)	
	)	
v.	)	<b>(Jury Trial Demanded)</b>
	)	
Wal-Mart Stores, Inc., Wal-Mart Stores	)	
East, L.P. d/b/a Wal-Mart Store #2687,	)	
Amanda Reynolds, John Doe1 and John	)	
Doe 2.	)	
	)	
Defendants.	)	

TO THE DEFENDANTS ABOVE NAMED:

YOU ARE HEREBY SUMMONED and required to answer the COMPLAINT in this action a copy of which is attached hereto and herewith served upon you, and to serve a copy of your Answer to the Complaint upon the subscriber at 209 E. Washington St., Greenville, South Carolina, 29601, within thirty (30) days after the service thereof, exclusive of the day of such service. If you fail to answer the Complaint within this thirty (30) day period, the Plaintiffs will apply to the Court for the relief demanded in the Complaint and judgment will be taken against you by default.

IN THE EVENT YOU ARE AN INFANT OVER FOURTEEN YEARS OF AGE OR AN IMPRISONED PERSON, you are further summoned and notified to apply for the appointment of a Guardian ad Litem to represent you in this action within thirty (30) days after the service of this Summons and Notice upon you. If you fail to do so, application for such appointment will be made by the Plaintiffs herein.

IN THE EVENT YOU ARE AN INFANT UNDER FOURTEEN YEARS OF AGE OR ARE INCOMPETENT OR INSANE, then you and the Guardian or Committee are further

summoned and notified to apply for the appointment of a Guardian ad Litem to represent said infant under fourteen years of age or said incompetent or insane person within thirty (30) day after the service of this Summons and Notice upon you. If you fail to do so, application for such appointment will be made by the Plaintiffs herein.

**Fayssoux & Landis, P.A.**

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**Eller Tonnsen Bach, LLC**

s/Eric R. Tonnsen  
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July 12, 2022

1. Plaintiffs are husband and wife, and are citizens and residents of Greenville County, South Carolina.
2. Defendants Wal-Mart Stores, Inc. and Wal-Mart Stores East, L.P. (“Wal-Mart”) are foreign entities organized and existing pursuant to the laws of the state of Delaware with their principal place of business in Arkansas and are authorized to do business in Spartanburg County, South Carolina. The Wal-Mart store where the subject accident occurred is located at 14055 East Wade Hampton Boulevard, Greer, South Carolina in Spartanburg County and bears Wal-Mart Store number 2687 (the “Greer Wal-Mart”).
3. Defendant Reynolds is the Manager of the Greer Wal-Mart and is a citizen and resident of Greenville County, South Carolina.
4. Defendants John Doe 1 and John Doe 2 are employees of the Greer Wal-Mart and is a citizen and resident of Spartanburg and/or Greenville County, South Carolina.

5. The incident giving rise to this action occurred in Spartanburg County, South Carolina.

6. That this Honorable Court has jurisdiction of the parties and the subject matter set forth herein.

**FACTUAL BACKGROUND**

7. On July 19, 2019 Defendant Manager was the store manager, manager, and/or General manager of the Greer Wal-Mart with responsibility for supervising and training employees and ensuring that Greer Wal-Mart customers were safe while shopping and were not injured by other Wal-Mart employees.

8. On July 19, 2019 Defendant John Doe was an employee of the Greer Wal-Mart, responsible for stocking shelves and responsible for doing so in a reasonable and safe manner.

9. On July 19, 2019, Glenn and Teresa Durham were shopping at the Greer Wal-Mart near the rear of the store. Defendant Doe and other Wal-Mart employees were transporting an overloaded pallet jack near the Durhams when the items on top of the pallet fell and struck both Durhams.

10. The Durhams were injured as a result of the accident.

**FOR A FIRST CAUSE OF ACTION**  
**(Negligence, Gross Negligence, and Recklessness)**

11. Plaintiffs incorporate and re-allege their previous responses as if set forth herein verbatim.

12. Defendants owed duties to the Durhams to operate the Greer Wal-Mart in a safe manner and to reasonably complete work throughout the store, including stocking merchandise, so as not to injure the Durhams and other customers.

13. Defendants breached their duties by failing to properly pallet the merchandise, failing to properly control and steer the pallet jack, operating the pallet jack recklessly near the store's customers, failing to properly train employees regarding the stacking and transportation of merchandise, and rushing to unload the pallet without due regard for the safety of Wal-Mart customers.

14. Defendants breached their duties to the Durhams to operate its store safely and such breach of this duty was the proximate cause of the accident and the Durhams' damages.

15. Defendants' conduct was reckless, willful, and wanton and Defendants failed to exercise the degree of care and safety ordinarily used in the same or similar circumstances.

16. As a result of Defendants' conduct, the Durhams suffered personal injuries, lost wages, loss of enjoyment of life, pain and suffering, and medical treatment.

17. Due to the willful, wanton, reckless, grossly negligent, and negligent acts of Defendants as set out above, Plaintiffs are entitled to recover actual and punitive damages as determined by the trier of fact.

WHEREFORE, having stated their factual allegations and causes of action against Defendants, Plaintiffs hereby pray for the following:

- A. A trial by jury;
- B. Judgment against Defendants for actual, consequential and punitive damages pled herein in an amount to be determined by the jury;
- C. For the costs of this action;
- D. For such other and further relief as this Court deems just and proper.

**[Signature Page Follows]**

**Fayssoux & Landis, P.A.**

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Attorneys for Plaintiffs.

July 12, 2022

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	SEVENTH JUDICIAL CIRCUIT
COUNTY OF SPARTANBURG	)	
	)	C.A. NO.: 2022-CP-42- 02582
Teresa Durham and Glenn Durham,	)	
	)	
Plaintiffs	)	
	)	<b>ACCEPTANCE OF SERVICE ON</b>
v.	)	<b>BEHALF OF DEFENDANTS</b>
	)	
Wal-Mart Stores, Inc., Wal-Mart Stores	)	
East, L.P. d/b/a Wal-Mart Store #2687,	)	
Amanda Reynolds, John Doe1 and John	)	
Doe 2.	)	
	)	
Defendants.	)	

I, Mary D. LaFave, as counsel for Defendants, Wal-Mart Stores, Inc., Wal-Mart Stores East, L.P. d/b/a Wal-Mart Store #2687, Amanda Reynolds, John Doe 1, and John Doe 2, hereby attest that I am authorized and agree to accept service of the Summons and Complaint in the above-captioned matter on behalf of all Defendants. I agree that service of the Summons and Complaint shall be effective upon my execution of this Acceptance of Service on the date herein below.

August 30, 2022  
Columbia, South Carolina

s/Mary D. LaFave  
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**Attorney for Defendants**